

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**MID-CONTINENT CASUALTY
COMPANY,**

Plaintiff ,

vs.

**DON BRADY CONSTRUCTION
COMPANY, INC., a corporation; APEX 3
CONSTRUCTION, INC., a corporation;
ELIZABETH BRADY LINDLEY, an
individual; ROBERT LINDLEY, an
individual; DONALD BRADY, an
individual; LINDA BRADY, an individual
and JOHN C. COLLINS, an individual,**

Defendants .

CIVIL ACTION No. 11-00088-CG-C

PRELIMINARY INJUNCTION ORDER

This matter is before the Court on plaintiff's request for a preliminary injunction. The Court has been advised that the parties have reached an agreement as to the issuance of a preliminary injunction, the terms of which are incorporated herein.

It is therefore **ORDERED, ADJUDGED** and **DECREED** as follows:

1. That the defendants, Don Brady Construction Company, Inc. ("DBC") d/b/a APEX 3 Construction, Inc. ("APEX"), Elizabeth Brady Lindley, Robert Lindley, Donald Brady, Linda Brady and John C. Collins, separately and severally, and others in active concert and participation with them whom receive actual notice of this Order, are

hereby ENJOINED and RESTRAINED from conveying, selling, transferring, or otherwise disposing of any of said defendants' assets, whether real, personal or mixed, with the exception of transactions (a) having a value of Five Hundred Dollars (\$500.00) or less (b) mortgage obligations which may become due before the expiration of this Order, or (c) necessary in the ordinary course of business.

2. Should defendants desire to conduct any transaction or transfer otherwise prohibited by the Order, defendants shall provide written notice with respect to any such transfer or transaction to counsel for Mid-Continent Casualty Company not less than five (5) business days before the proposed transfer or transaction. Said notice shall include the name and address of the proposed transferee, a description of the property involved, and a statement of the amount of consideration to be received by said defendant as a result of the transaction. Mid-Continent Casualty Company shall communicate to defendants any objection to the proposed transaction within five (5) business days of the receipt of the notice. In the event of any objection by Mid-Continent Casualty Company, defendant shall not conclude the transaction absent further orders of this Court.

3. This Order shall become effective upon issuance, and shall remain in full force and effect pending entry of a final Order in this matter. The bond proceeds previously deposited by Mid-Continent Casualty Company shall remain in the custody of the Clerk pending further Order of this Court and is hereby deemed adequate security for purposes of this Preliminary Injunction Order.

4. The Clerk of Court is directed to send a copy of this Temporary Restraining Order by Certified Mail, Return Receipt Requested, to all parties who have not formally appeared in this matter at the addresses listed on the last page of Attachment #1 to Document 13 filed herein.

DONE and **ORDERED** this 4th day of March, 2011.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE